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on

Dec 11, 1996

TOWNSEND and TOWNSEND and CREW LLP

By

R. Davis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MAN SUNG CO et al.

Application No.: 08/372,262

Filed: January 13, 1995

For: INCREASING ANTIBODY  
AFFINITY BY ALTERING  
GLYCOSYLATION IN THE  
IMMUNOGLOBULIN VARIABLE  
REGION

)  
)  
) Examiner: Lila Feisee

)  
) Art Unit: 1806

)  
) DECLARATION OF CARY L. QUEEN  
) PURSUANT TO 37 C.F.R. § 1.132

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, CARY L. QUEEN, declare as follows:

1. I am a co-inventor of the subject matter claimed in the above-captioned application and am named as a co-applicant thereof.

2. I have read the office action dated June 12, 1996 and issued by the Patent and Trademark Office in connection with the above-captioned application. In that office action the Examiner rejected certain claims of the application as anticipated by, or obvious in light of, Co et al., "Chimeric and Humanized Antibodies with Specificity for the CD33 Antigen," J. Immunol. (1992) 148:1149 ("Co et al."). I make this declaration to present facts showing that Co et al. was the disclosure of the persons named as inventors of the above-captioned application, and not the disclosure of others.



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3. Co et al. names as authors the following individuals:

M.S. Co,  
N.K. Avdalovic,  
P.C. Caron,  
M.V. Avdalovic,  
D.A. Scheinberg and  
C. Queen.

Three of these authors, M.S. Co, D.A. Scheinberg and C. Queen (myself) are named as inventors on the above-captioned application. The other three authors, N.K. Avdalovic, P.C. Caron and M.V. Avdalovic, are not named as inventors on the above-captioned application.

4. The experiments described in Co et al. were designed by myself, M.S. Co and D.A. Scheinberg. N.K. Avdalovic, P.C. Caron and M.V. Avdalovic worked under our direction and supervision. N.K. Avdalovic, P.C. Caron and M.V. Avdalovic did not contribute to the design of the chimeric or humanized antibodies described in Co et al.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: December 10, 1996

  
CARY L. QUEEN

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